

LOWER PAXTON TOWNSHIP
BOARD OF SUPERVISORS

Minutes of Board Meeting held September 18, 2007

A business meeting of the Board of Supervisors of Lower Paxton Township was called to order at 7:30 p.m. by Chairman William B. Hawk on the above date in the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania.

Supervisors present in addition to Mr. Hawk were: William C. Seeds, Sr., William L. Hornung, Gary A. Crissman, and David B. Blain.

Also in attendance were George Wolfe, Township Manager; Steven Stine, Township Solicitor; Lori Wissler, Planning and Zoning Officer; Jeff Staub, Dauphin Engineering; Marion Molinari, Sidney Ruble, Molinari and Ruble, LLC.; and Mark DiSanto, Triple Crown Corporation.

Pledge of Allegiance

Mr. Seeds led in the recitation of the Pledge of Allegiance.

Approval of Minutes

Mr. Seeds noted two corrections to the minutes of the August 7, 2007 meeting. He noted on page fourteen, the third paragraph, it should read "Mr. Seeds" in place of "Mr. Stine"; and on page 24, the second paragraph, correct the spelling for "Dehner". Mr. Seeds made a motion to approve the minutes from the August 7, 2007 business meeting with the two noted corrections. Mr. Crissman seconded the motion, and the motion was approved unanimously.

Public Comment

No public comment was presented.

Chairman and Board Member's Comments

None were presented.

Manager's Report

Mr. Wolfe noted that Fulton Bank will be sponsoring a Lower Paxton Township Community Day on Saturday, September 22, 2007, at their Jonestown Road facility. He explained that there will be family activities, to include a Child ID Program; and all proceeds will go the Friendship Center Scholarship Fund that provides funds for individuals to participate in programs or memberships at the Friendship Center. He noted that the event will take place from 10 a.m. until 2 p.m.

Mr. Wolfe noted that the Dauphin County Solid Waste Management Department and Dauphin County Commissioners are conducting an Electronic Recycling Collection on Saturday, October 13, 2007 from 9 a.m. to 1 p.m. at the parking lot of Harrisburg Area Community College. He noted that this is the second collection sponsored by Dauphin County this year. He explained that computers, lap tops, radios, televisions, and any type of electronic device may be dropped off. He noted that the items will be recycled by the County at no cost to the participants.

Mr. Wolfe explained that the Township Sewer Department is offering a new service to its rate payers. He noted that customers may now pay their quarterly sewer bills by credit card. He explained that the upcoming edition of The Township Newsletter will detail how this can be done. He noted that the Township will accept American Express, Master Card, Discover, and VISA through Official Payments, a company that processes these credit cards for a fee. He noted that there will be no fee charged to the Sewer Department, but customers wishing to use the credit card payment process will be charged a fee of \$3.75 per transaction.

Mr. Wolfe noted that the Board of Supervisors is now accepting applications for appointment to the various Township boards and committees. He noted that there are numerous vacancies for boards and committees such as: Planning Commission, Zoning Hearing Board, Parks and Recreation Board, Friendship Center Operating Board, Recycling Committee, Shade Tree Commission, and several others. He noted that in January of each year, as part of the annual reorganization for Lower Paxton Township, the Board will fill vacancies to these public bodies. He noted that anyone interested in serving on one of these public bodies is invited to submit an application. He explained that applications for appointment are available on-line under forms or by contacting the Municipal Center.

Oath of Office to Fire Police

Mr. Hawk invited Mr. George Bell to the podium to be sworn in as a Fire Police Officer for the Township. He noted that Mr. Twilley, a member of the Linglestown Fire Company, was invited to accompany Mr. Bell to the podium. Mr. Hawk administered the oath of office to Mr. Bell, and the other Board members joined him at the podium to offer their congratulations.

Resolution 07-31-01; providing for acquisition from the Trustees of the Church of God at Linglestown of areas for required rights-of-way, temporary construction easements, drainage easements, and/or slope easements as referenced on the Drawings Authorizing Acquisition of Right-of-Way for State Route 0039 to implement the Linglestown Square Project

Mr. Hawk noted that there are nine resolutions related to the Village of Linglestown Square Project to be considered for approval.

Mr. Wolfe explained that he would provide a general summary for all eight resolutions. He explained that the Township has been working for several years on the Village of Linglestown Action Plan to implement the Linglestown Square Project. He noted that the Board had commissioned the Village of Linglestown Committee to prepare the Action Plan. He noted that the Committee has chosen a comprehensive set of transportation improvements within the

Village as well as streetscape improvements that will, when implemented, completely revitalize Linglestown and Mountain Roads at the Square area.

Mr. Wolfe explained that several weeks ago, the Board adopted the Right-of-Way Plan for the Linglestown Road project as prepared by the engineer, Arora and Associates. He noted that the Right-of-Way Plan was recommended to the Board by the Village of Linglestown Committee. He noted that after the Board adopted the Plan, it was submitted to PENNDOT for their approval. At that time, the Board acted on resolutions to acquire areas of right-of-way, temporary construction easements, drainage easements, and /or slope easements as reference on the Drawings Authorizing Acquisition of Right-of –Way for the Linglestown Square Project.

Mr. Wolfe explained that there are roughly 96 properties affected by the project, and the Board acted on resolutions to acquire the above listed right-of-ways from approximately 85 to 90 properties. However, there was a portion of the plan that was not finalized, and at the last business meeting, the Board amended the Right-of-Way Plan to include additional information. He explained that that amendment was transmitted to PENNDOT, thus paving the way to take action on the remaining nine resolutions.

Mr. Wolfe noted that the nine resolutions on the agenda will complete the right-of-way acquisition process for the Linglestown Square Project. He noted that these nine resolutions affect the following properties: The Trustees of the Church of God at Linglestown, Linglestown Fire Company No. 1, Michael L. Rowe, Schoffstall Associated, Inc., St. Thomas Property Management, LP, Stathis Paterekas and Sia Paterekas, William C. Seeds, Sr. and Susan F. Seeds, Michael L. Carl, and the Elders and Deacons of the Church of God at Linglestown. He noted that the resolutions authorized the acquisition of right-of-way, temporary construction easement, drainage easement, and/or slope easement from the above listed properties. He noted that it is

staff's recommendation to the Board to act favorably on these resolutions as they are in accordance with the amended Right-of-Way Plan that was adopted two weeks ago.

Mr. Crissman made a motion to approve Resolution 07-31-01; providing for acquisition from the Trustees of the Church of God at Linglestown of areas for required rights-of-way, temporary construction easements, drainage easements, and/or slope easements as referenced on the Drawings Authorizing Acquisition of Right-of-Way for State Route 0039 to implement the Linglestown Square Project. Mr. Blain seconded the motion, and a unanimous voice vote followed.

Resolution 07-31-03; providing for acquisition from the Linglestown Fire Company No. 1 of areas for required rights-of-way, temporary construction easements, drainage easements, and/or slope easements as referenced on the Drawings Authorizing Acquisition of Right-of-Way for State Route 0039 to implement the Linglestown Square Project

Mr. Crissman made a motion to approve Resolution 07-31-03; providing for acquisition from the Linglestown Fire Company No. 1 of areas for required rights-of-way, temporary construction easements, drainage easements, and/or slope easements as referenced on the Drawings Authorizing Acquisition of Right-of-Way for State Route 0039 to implement the Linglestown Square Project. Mr. Blain seconded the motion, and a unanimous voice vote followed.

Resolution 07-31-06; providing for acquisition from Michael L. Rowe of areas for required rights-of-way, temporary construction easements, drainage easements, and/or slope easements as referenced on the Drawings Authorizing Acquisition of Right-of-Way for State Route 0039 to implement the Linglestown Square Project

Mr. Crissman made a motion to approve Resolution 07-31-06; providing for acquisition from Michael L. Rowe of areas for required rights-of-way, temporary construction easements, drainage easements, and/or slope easements as referenced on the Drawings Authorizing

Acquisition of Right-of-Way for State Route 0039 to implement the Linglestown Square Project.

Mr. Blain seconded the motion, and a unanimous voice vote followed.

Resolution 07-31-16; providing for acquisition from Schoffstall Associated, Inc. of areas for required rights-of-way, temporary construction easements, drainage easements, and/or slope easements as referenced on the Drawings Authorizing Acquisition of Right-of-Way for State Route 0039 to implement the Linglestown Square Project

Mr. Crissman made a motion to approve Resolution 07-31-16; providing for acquisition from Schoffstall Associated, Inc. of areas for required rights-of-way, temporary construction easements, drainage easements, and/or slope easements as referenced on the Drawings Authorizing Acquisition of Right-of-Way for State Route 0039 to implement the Linglestown Square Project. Mr. Blain seconded the motion.

Mr. Hornung noted that he would have to abstain from this vote as he has personal involvement in this property.

Mr. Hawk called for a roll call vote: Mr. Blain, aye; Mr. Crissman, aye; Mr. Hornung, abstain; Mr. Seeds, aye; and Mr. Hawk, aye.

Resolution 07-31-33; providing for acquisition from St. Thomas Property Management, LP of areas for required rights-of-way, temporary construction easements, drainage easements, and/or slope easements as referenced on the Drawings Authorizing Acquisition of Right-of-Way for State Route 0039 to implement the Linglestown Square Project

Mr. Crissman made a motion to approve Resolution 07-31-33; providing for acquisition from St. Thomas Property Management, LP of areas for required rights-of-way, temporary construction easements, drainage easements, and/or slope easements as referenced on the Drawings Authorizing Acquisition of Right-of-Way for State Route 0039 to implement the Linglestown Square Project. Mr. Blain seconded the motion.

Mr. Seeds noted that he would have to abstain from this vote due to a conflict of interest involving family ownership of these properties.

Mr. Hawk called for a roll call vote: Mr. Blain, aye; Mr. Crissman, aye; Mr. Hornung, aye; Mr. Seeds, abstain; and Mr. Hawk, aye.

Resolution 07-31-45; providing for acquisition from Stathis Paterekas and Sia Paterekas of areas for required rights-of-way, temporary construction easements, drainage easements, and/or slope easements as referenced on the Drawings Authorizing Acquisition of Right-of-Way for State Route 0039 to implement the Linglestown Square Project

Mr. Crissman made a motion to approve Resolution 07-31-45; providing for acquisition from Stathis Paterekas and Sia Paterekas of areas for required rights-of-way, temporary construction easements, drainage easements, and/or slope easements as referenced on the Drawings Authorizing Acquisition of Right-of-Way for State Route 0039 to implement the Linglestown Square Project. Mr. Blain seconded the motion, and a unanimous voice vote followed.

Resolution 07-31-72; providing for acquisition from William C. Seeds, Sr. and Susan F. Seeds of areas for required rights-of-way, temporary construction easements, drainage easements, and/or slope easements as referenced on the Drawings Authorizing Acquisition of Right-of-Way for State Route 0039 to implement the Linglestown Square Project

Mr. Crissman made a motion to approve Resolution 07-31-72; providing for acquisition from William C. Seeds Sr. and Susan F. Seeds of areas for required rights-of-way, temporary construction easements, drainage easements, and/or slope easements as referenced on the Drawings Authorizing Acquisition of Right-of-Way for State Route 0039 to implement the Linglestown Square Project. Mr. Blain seconded the motion.

Mr. Seeds noted that he would have to abstain from this vote due to a conflict of interest involving family ownership of these properties.

Mr. Hawk called for a roll call vote: Mr. Blain, aye; Mr. Crissman, aye; Mr. Hornung, aye; Mr. Seeds, abstain; and Mr. Hawk, aye.

Resolution 07-31-96; providing for acquisition from Michael L. Carl of areas for required rights-of-way, temporary construction easements, drainage easements, and/or slope easements as referenced on the Drawings Authorizing Acquisition of Right-of-Way for State Route 0039 to implement the Linglestown Square Project

Mr. Crissman made a motion to approve Resolution 07-31-96; providing for acquisition from Michael L. Carl of areas for required rights-of-way, temporary construction easements, drainage easements, and/or slope easements as referenced on the Drawings Authorizing Acquisition of Right-of-Way for State Route 0039 to implement the Linglestown Square Project. Mr. Blain seconded the motion, and a unanimous voice vote followed.

Resolution 07-31-97; providing for acquisition from Elders and Deacons of the Church of God at Linglestown of areas for required rights-of-way, temporary construction easements, drainage easements, and/or slope easements as referenced on the Drawings Authorizing Acquisition of Right-of-Way for State Route 0039 to implement the Linglestown Square Project

Mr. Crissman made a motion to approve Resolution 07-31-97; providing for acquisition from the Elders and Deacons of the Church of God at Linglestown of areas for required rights-of-way, temporary construction easements, drainage easements, and/or slope easements as referenced on the Drawings Authorizing Acquisition of Right-of-Way for State Route 0039 to implement the Linglestown Square Project. Mr. Blain seconded the motion, and a unanimous voice vote followed.

Resolution 07-39; amending the procedure for collecting delinquent sanitary sewer accounts to include a water shut-off option

Mr. Wolfe explained that a presentation was made to the Board members at the past workshop meeting to authorize, as part of the delinquent account process, a water shut-off

option. He noted that the Resolution adds the fees for water shut-off as an option, and includes language in the remainder of the Resolution that includes the water shut-off procedure.

Mr. Crissman made a motion to approve Resolution 07-39; amending the procedure for collecting delinquent sanitary sewer accounts to include the water shut-off option. Mr. Blain seconded the motion, and a unanimous voice vote followed.

NEW BUSINESS

Ordinance 07-13; application from Molinari & Ruble, Partners, L.P. to amend the zoning designation for property abutting Deaven Road from AR to OS

Ms. Wissler noted that the applicant has proposed an amendment to the Township Zoning Map, for a 35.7-acre tract located south of Jonestown Road and east of Deaven Road. The applicant proposes to rezone this tract from AR, Agricultural Residential District to OSD, Open Space Development Overlay District. The intent is to develop 35 single-family lots.

Ms. Wissler explained that the purpose of the Open Space Development is to allow reasonable amounts of flexibility in site planning of residential development and to encourage the preservation of significant areas of open space. She noted that the existing use of the property is residential and agricultural, and the subject parcel is abutted to the north, south and east by agricultural zone, and to the west across Deaven Road is the Mindy Meadows development which is zoned R-1, low density.

Ms. Wissler explained that the 2004 Comprehensive Plan's Future Land Use Map shows the area to be rural-residential, and for land within the AR District, the maximum number of dwelling units allowed on the tract shall be equal to an average of one dwelling unit per every acre of total lot area. She noted in the AR District, the minimum lot area shall be 20,000 square

feet, and a minimum of 40% of the total lot area of the tract shall be preserved as open space. She noted that the developer is proposing to reserve 40.55% as open space.

Ms. Wissler noted that the Dauphin County Planning Commission reviewed this matter on July 9, 2007, and they recommended the proposed zoning change to add an Open Space Development Overlay. She noted that the Lower Paxton Township Planning Commission reviewed this matter on August 8, 2007, and recommended the rezoning to place an Open Space Overlay District on the current AR zoning.

Ms. Wissler noted that the proper notices appeared in The Patriot-News on September 3, 2007, and September 10, 2007, and notices for the surrounding property owners were mailed on August 16, 2007. She noted that the notices were posted on the parcel being considered for rezoning on September 11, 2007.

Ms. Wissler noted that Mr. Jeff Staub, Marion Molinari, and Sidney Ruble are present to represent the plan.

Mr. Seeds noted that the Dauphin County Planning Commission had a comment in regards to the possibility of creating a future roadway connection for future tracts if the adjacent tracts are suitable for future development and potential targets for developments. He questioned if Ms. Wissler understood what was meant by this comment. Ms. Wissler explained that the Planning Commission was concerned that there would be other development to the properties surrounding this property, and that this be considered. Ms. Wissler suggested that there are slope issues to be considered also. Mr. Seeds noted that he did not understand how a north/south connection could be made in this area.

Mr. Seeds questioned if the Board approved the rezoning, what would happen if the Planning Module was not approved by the Board or the amendment to the Act 537 Plan was not

approved by the Department of Environmental Protection (DEP). Ms. Wissler noted that the Board received a memo from Mr. Weaver that he spoke with DEP and was told that he should encounter no problems in receiving the amendment approval. Mr. Stine noted that if either the Planning Module or amendment to the Act 537 Plan were not approved, there would be no sewer connections for the property. He noted that the rezoning has nothing to do with the Planning Module. Mr. Seeds noted that the developers could not use the land. Mr. Stine noted that they would need to get the approval of the Planning Module before they could develop the land. Ms. Wissler noted that this would be a concern for any plan brought before the Township.

Mr. Stine noted that this is the date and time set for a public hearing on Ordinance 2007-13, which would amend the zoning designation for property abutting Deaven Road from Agricultural to Open Space.

Mr. Jeff Staub, Dauphin Engineering, noted that this rezoning was before the Board members several times in Workshop sessions and proposes to include the Open Space Overlay District on the AR tract. He noted that the property is less than 36 acres in size and he is proposing 35 building lots. He noted that the land around the site are also zoned AR, and the areas to the west of the site, across Deaven Road, are zoned R-1 or Planned Residential Development (PRD) for the Heatherfield development. He noted that further to the south, across Devonshire Heights Road, is the Windmere and Stradford Woods Developments that are also zoned R-1.

Mr. Staub noted that the proposed lot sizes are consistent with all the other potential developments mentioned. He noted that a sewer line exists on the property, and he discussed the issue with Mr. Weaver regarding the process of receiving approvals from DEP since the area is not designated on the Act 537 Plan as having public sewer. He noted that Mr. Weaver received a

favorable response from DEP for this plan. He suggested that since there physically is a sewer line on the property, that, by right, he should be able to connect to it, and the Planning Module should be approved.

Mr. Seeds questioned Mr. Staub what the Dauphin County Planning Commission wanted with the north/south route request. Mr. Staub answered that the zoning map shows some fairly large tracts to the north and south of the property, and it would make sense to provide the right-of-ways on either side of the tract to extend to the north and the south. But he explained that there are fairly steep slopes and some wetlands, especially along the north and south property lines, therefore, as a practical matter; the streets would not be able to be extended into the adjoining properties. Mr. Seeds noted that Nyes and Deaven Roads are north/south connector roads in the area. Mr. Staub noted that there would be no easy way to connect with Devonshire Heights Road, and there is a cemetery to the north.

Mr. Stine questioned if the Board members had any questions for Mr. Staub. Seeing no questions, Mr. Stine opened the public hearing to the members of the audience.

Mr. John Purcell noted that his property abuts the property to the south. He noted that he is representing the other property owners, and acknowledged that all the surrounding property owners are present at the meeting.

Mr. Purcell noted that the property owners are not opposing the plan, and are generally in favor of the plan, and like the plan as it is proposed now. He noted that the property owners had some preliminary discussions with the developers regarding some minor issues, and based upon discussions, these issues should be able to be resolved. He noted that this is the time to determine if the zoning should be changed and the surrounding property owners like the overlay for the OSD as opposed to the AR because it will leave a lot of open space. He noted that the current

plan has the open space acting like a buffer around the property, centralizing the development to the center of the property. He noted that as long as the plan stays essentially the same, the local property owners are generally in favor of rezoning. Mr. Purcell asked if the property owners were in agreement, and they nodded yes.

Mr. Seeds questioned if the issues would concern the land development plan. Mr. Purcell answered that they would. Mr. Purcell noted that they have met with the developers and have informally agreed with many of the issues.

Mr. Crissman noted that he has heard the property owners' comments as far as working out the issues, but he noted that he would like to hear the same from the developer. Ms. Molinari and Ms. Ruble noted that they have met with the adjoining property owners and have talked about the minor issues. Ms. Molinari noted that they are pleased that she is using the field for the dwellings and the buffer of trees will remain. She noted that she met with Mr. Plowman and his wife who provided her with a tremendous amount of knowledge on the kinds of vegetation located on the site. She stated that she would do what she could to save the trees.

Mr. Hawk noted that these issues would need to be resolved at the time of the land development plan.

Mr. John Plowman explained that he owns the adjoining property to the north of the proposed development. He noted that he has been before the Board in support of open space, and noted that the development of the Hickory Lane area is a change that he never expected to happen, and he is trying to make the best of a bad situation. He noted that he likes the attitude of the developer, but there are a few remaining things that need to be resolved. He noted that he wanted to give credit to Molinari-Ruble for their support in resolving the issues. He stated that the neighbors will be back when the land development plan is submitted, and he hopes the

developers make the plan something that they all can live with. He noted that he wants this development to be something special in the way it was handled.

Mr. Plowman noted that the traffic on Deaven Road is a real issue for speed. He noted that the Township has a major problem with this, and it needs to be brought under control.

Mr. Stine noted that since there were no further comments, it was appropriate to close the public hearing on Ordinance 2007-13; and the Board may take action if it so desires.

Mr. Crissman made a motion to approve Ordinance 2007-13; the application from Molinari & Ruble, Partners, L.P., to amend the zoning designation for property abutting Deaven Road from Agricultural Residential to Open Space Development. Mr. Blain seconded the motion, and Mr. Hawk called for a roll call vote: Mr. Blain, aye; Mr. Crissman, aye; Mr. Hornung, aye, Mr. Seeds, aye; and Mr. Hawk, aye.

Change Orders 1 & 2 for the Spring Creek sanitary sewer lining contract

Mr. Wolfe explained that the first change Order is a reduction in the amount of \$35,902.55. He noted that the reduction is due to a reduction in quantities used in the Spring Creek 1F and Spring Creek 1I mini basin project. He noted that the second change order is a reduction in the amount of \$21,769.10 for punch list items that have not been properly completed by the contractor, Intercounty Paving Associates, LLC. He noted that the contractor is willing to accept the change order as opposed to proceed to litigation. He noted that it is staff's recommendation that the Board accept both Change Orders in the total amount of \$57,671.65.

Mr. Crissman moved to approve Change Order 1, and Change Order 2, for the Spring Creek sanitary sewer lining contract with a reduction in the amount of \$35,902.55 for Change Order 1 and a reduction in the amount of \$21,769.10 for Change Order 2. Mr. Blain seconded the motion.

Mr. Seeds questioned who would do the work that was not completed for Change Order 2. Mr. Wolfe answered that the work would be included in force account work with the Sewer Department or it will be included in upcoming bids.

Mr. Hornung questioned if the sanitary sewer lining is repairable. Mr. Wolfe noted that there is a problem with certain liners, and Mr. Weaver is addressing the situation. Mr. Seeds noted that the one liner is blocked and would need to be repaired to work properly.

Mr. Hawk called for a roll call vote: Mr. Blain, aye; Mr. Crissman, aye; Mr. Hornung, aye, Mr. Seeds, aye; and Mr. Hawk, aye.

Resolution 07-40; Accepting the 2008 Minimum Municipal Obligations for the police and non-uniformed employee pension plans

Mr. Wolfe explained that the agenda should refer to the 2008 Minimum Municipal Obligation (MMO), and not 2007. Mr. Wolfe explained that this is a first step in the budget process, whereby the Township sets forth the amount of funding needed for the pension plans for the upcoming year. He noted for the Police Pension Plan, the amount of funding needed for the MMO is \$481,606, and for the non-uniformed Pension Plan the MMO is \$444,412.

Mr. Wolfe explained that he would ask that the Board accept these MMO, however, revised MMO's will need to be acted on in the near future. He noted that the MMO's are based on the 2005 Actuarial Evaluations, noting that the 2007 Actuarial Evaluations will be received in the next two weeks, and the MMO must be redone at that time to correspond with the 2007 Actuarial Evaluation. He noted that to receive State funding, the Township is required to take action on a MMO before the end of September.

Mr. Crissman moved to approve Resolution 2007-40; accepting the 2008 Minimum Municipal Obligations for the police and non-uniformed employee pension plan. Mr. Blain seconded the motion, and Mr. Hawk called for a voice vote. The resolution passed unanimously.

IMPROVEMENT GUARANTEES

Mr. Hawk noted that there were six improvement guarantees for consideration.

Quail Hollow, Phase IV

An extension and increase in a bond with Lexon Insurance Company in the amount of \$112,118.60 with an expiration date of November 4, 2008.

Quail Hollow, Phase V

An extension and increase in a bond with Lexon Insurance Company in the amount of \$414,340.30 with an expiration date of November 4, 2008

Hawthorne Suites

An extension and increase in a letter of credit with M&T Bank in the amount of \$89,446.87 with an expiration date of October 18, 2008.

Pinnacle Family Medical Center

A new escrow with Lower Paxton Township in the amount of \$1,650.00 with an expiration date of September 18, 2008.

Pinnacle Family Medical Center I

A release in a letter of credit with Vartan National Bank in the amount of \$1,650.00.

Chelsey Falls, Phase I

A reduction in a bond with Lexon Insurance Company in the amount of \$160,557.00 with an expiration date of August 24, 2008.

Mr. Seeds noted that the Hawthorne Suites improvement guarantee is nine years old, and he questioned if there was a reason why this has not been resolved. He noted that many of the requests for improvements have to deal with erosion issues. Ms. Wissler answered that the building has not yet been constructed.

Mr. Crissman made a motion to accept the six Improvement Guarantees as presented. Mr. Blain seconded the motion, and the motion carried unanimously.

Improvement Agreement with Triple Crown Corporation

Mr. Wolfe explained that this is the Roadway Improvement Agreement that the Board had acted upon several months ago. He noted that Triple Crown Corporation (TCC) has requested some minor amendments to the agreement that are listed on page two, paragraph two, section B. He noted that in blue ink the specific rewording of the agreement is found. He explained that the agreement provides for a two year time period from the date of the first issued occupancy permit for Phase I of the Stray Winds Farm plan to undertake improvements to the intersection of McIntosh and Colonial Roads. He noted that during this period of time, a one-way restriction, westbound direction will be in place on McIntosh Road.

Mr. Wolfe noted that Mr. Mark DiSanto was present to represent TCC.

Mr. Stine noted that the revised wording states that the roadway would be completed within two years of the first issued occupancy permit for Phase I, or prior to the issuance of the first occupancy permit for Phase III. He questioned if it was Mr. DiSanto's intent to make this read "whichever occurs first." Mr. DiSanto answered yes to the question. Mr. Stine noted that after Phase III, wording should be added to note this, adding a comma, and the words, "whichever occurs first." Mr. DiSanto verbally agreed to this.

Mr. DiSanto noted that he spoke to Eric Epstein, who represents the Stray Winds Area Neighbors (SWAN) and was told that SWAN would be meeting on September 26th. He noted that Mr. Wolfe requested that SWAN formally act on this understanding on the 26th. He noted that if the Board approves this tonight, he will not execute the document until SWAN gives their formal approval.

Mr. Seeds suggested that SWAN was under the understanding that this would occur within two years, noting that the original document stated that it would be one year from the beginning of construction. He noted that this agreement would make the minimum time frame at least three years, since the Township would not issue any occupancy permits for a minimum of six months to a year. Mr. DiSanto noted that the one-way restriction would not go into effect until the issuance of the first certificate of occupancy for Phase I, with a maximum time frame of two years. He noted that the one-way detour would not last for more than a period of two years.

Mr. Seeds noted that he would rather see it conditioned on a time frame rather than an occupancy permit, noting if the project would drag on the Township would definitely know how long McIntosh Road would be one-way. He suggested that SWAN has tentatively agreed to two years. Mr. DiSanto noted that when the first occupancy permit is issued for Phase I, that is when McIntosh Road would become one-way. He noted that the construction of Colonial Road would be completed within two years, or prior to Phase III, whichever occurs first, therefore, the maximum time frame is a two-year time period. Mr. Seeds noted that this would occur after the issuance of the first occupancy permit. Mr. DiSanto noted that there is no reason to restrict traffic until the first occupancy permit is issued.

Mr. DiSanto noted that he met with Mr. Epstein and came to an agreement that was forwarded to Mr. Wolfe. He noted that SWAN's next meeting is scheduled for September 26, 2007. Mr. Seeds noted that he was not aware that the Board would be taking action on this item at this meeting. Mr. Seeds noted, in his mind, that the extension is for two years.

Mr. Blain questioned if this item should be tabled until SWAN has given their final approval. He questioned what would happen if SWAN does not agree with this. Mr. DiSanto noted that he met with Mr. Epstein and his people, and Mr. Epstein wants to take it to the entire

group. He noted that he would be out of town on October 2nd, which would be the date for the next Board meeting.

Mr. Crissman questioned if Mr. DiSanto felt that SWAN would definitely accept the proposal. Mr. DiSanto noted that he is very confident that they will. Mr. Crissman noted that he would not want to give approval to the agreement and find out that SWAN was not in agreement. He noted that he would be willing to agree to the change if Mr. DiSanto felt that SWAN was in agreement to the changes. Mr. Seeds noted that there were other issues with agreements that were not Mr. DiSanto's fault, and he agreed with Mr. Blain that it should be tabled until SWAN provides their formal approval.

Mr. Blain noted that his only concern is that Mr. DiSanto is absolutely sure that SWAN would be in agreement to the changes. He noted that he would not want Mr. DiSanto to have to come back with yet another amendment request. Mr. DiSanto noted that it was his understanding that SWAN was in agreement to the changes.

Mr. Crissman noted that the Board is the municipal governing body and Mr. DiSanto's business with the Township is the official business for the plan. He noted that whatever Mr. DiSanto has to work out with SWAN is between Mr. DiSanto and SWAN. He noted that he did not want to put Mr. DiSanto in an awkward position if SWAN does not agree to the changes. He noted that SWAN does not have an agreement with the Township, Mr. DiSanto does.

Mr. Seeds suggested that SWAN thinks that the agreement would be for two years rather than one, and now it would be closer to three.

Mr. Ted Robinson noted that he lives in Colonial Crest and is a member of SWAN. He stated that this was discussed at the last SWAN meeting and the one-way detour for McIntosh Road was discussed, and the general consensus was that it would be approved. He noted that no

official vote was taken, but it appeared that the people who had the greatest interest in this who live on McIntosh did approve the idea of the one-way restriction. Mr. Seeds questioned if SWAN was okay with the two-year restriction after the first occupancy. Mr. Robertson answered yes.

Mr. Blain made a motion to approve the Roadway Agreement between the Township and TCC for the Stray Winds Farm Plan. Mr. Hornung seconded the motion. Mr. Crissman questioned if it was needed to be read into the minutes exactly what the agreement would say. It was noted that the following wording should be added after Phase III, “which ever occurs first.” Mr. Blain and Mr. Hornung agreed to this addition to the motion. Mr. Hawk called for a roll call vote: Mr. Blain, aye; Mr. Crissman, aye; Mr. Hornung, aye; Mr. Seeds, aye; and Mr. Hawk, aye.

Payment of Bills

Mr. Seeds made a motion to pay the bills of Lower Paxton Township and Lower Paxton Township Authority. Mr. Blain seconded the motion, and a unanimous vote followed.

Announcement

Mr. Hawk noted that Fulton Bank will be holding a Lower Paxton Township Community Day event on Saturday, September 22, 2007 from 10 a.m. to 2 p.m.

Adjournment

There being no further business, Mr. Blain made a motion to adjourn the meeting. Mr. Crissman seconded the motion, and the meeting adjourned at 8: 43 p.m.

Respectfully submitted,

Maureen Heberle

Approved by,

Gary A. Crissman
Township Secretary